



employer advisor

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Go Paperless

Send & receive correspondence electronically



It's easy to save both time and money by utilizing our new electronic correspondence "opt-in" system to automatically receive Unemployment Insurance (UI) notices electronically. Not only are postage costs reduced, but service is increased since both claimants and employers can access claims and separation information through a web message center.

Just log in to: **jobs.utah.gov/ui/Employer** and select "Report Quarterly Taxes" to access the Employer home page. Click on "Employer Correspondence." If you are not registered, you will need to sign in and provide an e-mail address and a password. Then you can access your employer account with a PIN number or access code.

Manage Correspondence Online

Employers who opt-in and agree to receive their correspondence electronically will be able to view their correspondence several days sooner than those who receive it by mail. Employers will have PIN access to their information and can assign access codes to other individuals who are authorized to view and respond to their UI correspondence.

The electronic correspondence system provides more convenient access to time sensitive information. The employer notices of claims being filed can be accessed through the Message Center, completed online and electronically sent back that same day. You will have easy access to all your correspondence history in one location.

The next phase of the electronic correspondence system will give claimants the option to receive their correspondence electronically. These enhancements will maximize limited UI staff resources and further improve customer service. The second phase of this system is expected by December 2009.

How Electronic Correspondence Works

- Claimants/Employers electronically sign an agreement to receive all their UI correspondence online
- UI correspondence is electronically sent to a secure UI web site
- Those who opt-in can immediately view all their UI correspondence online, and will no longer receive correspondence by mail
- Those who do not opt-in will be able to view their correspondence history after four days, and will receive correspondence by mail
- E-mail notification when new correspondence is available for viewing

In April 2009, we implemented the first phase of the electronic correspondence system. Employers are now able to opt-in to the Employer Message Center to receive their correspondence electronically.

Why Opt-In?

UI customers will be able to address issues or access services online outside of "normal business hours." Claimants and employers will be able to securely receive program correspondence, as well as access claims and separation information through the web.

- Your information is protected
- It's fast, convenient, and secure
- Receive e-mail notification when new correspondence is available

ASK BEFORE YOU ENTER INTO A CONTRACT!

In a previous Employer Advisor, we stated:

“Many employers have difficulty distinguishing the employment status of workers. Should the worker be reported as an employee or treated as an independent contractor? One of the more common practices is to enter into a mutual agreement...stating the worker’s services are to be performed as an independent contractor...however, an agreement or contract alone does not make the worker independent.”

The Department audits about 1,200 employers annually. There is a trend for employers to increasingly characterize workers as independent contractors rather than employees. In 70 percent or more of the audits involving independent contractors, that classification is wrong. When this occurs, the audit can be expanded for up to three previous years. Because the audit deems these workers as employees, the employer is assessed for unpaid Unemployment Insurance Contributions due plus interest. The resulting liability often creates a significant financial burden on the employer. In rare cases where employees are knowingly misclassified, the employer may face a statutory violation ranging from a class B misdemeanor to a second-degree felony. (Utah Code 76-8-1301 (2)).

An employer has a statutory right to receive an official determination concerning the workers’ status before a risk of additional liability occurs. Utah Administrative Rule R994-204-401 states in part: “The “safe haven” provision of [Utah Code] 35A-4-204(4) allows an employer to rely on a declaratory order, ruling, or final determination by the Department...” Although the worker still has the right to challenge the determination, the statute provides that “If a declaratory order or final audit finding has been issued concluding that a worker or class of workers are independent contractors, the employer will have no liability to pay unemployment contributions on payments made to the worker or workers, except as provided in R994-204-404.” Administra-

tive Rule R994-204-404 states that if a subsequent decision holds the workers to be employees rather than independent contractors, the employer is only liable for future Unemployment Insurance Contributions. Prior liability is waived unless a worker who is deemed an employee qualifies to receive unemployment insurance benefits because of that employment. The waiver only applies if the employer has a prior written decision from this agency.

How does an employer apply for a “declaratory ruling”?

The employer must submit a written request that includes its Utah Employer Registration Number and employer names and mailing addresses. Mail the request to: Utah Department of Workforce Services, PO Box 45288, Salt Lake City, Utah 84145. The Department will query both the employer and worker, analyze the working relationship, and then issue a formal written decision to the employer concerning worker status as either an employee or independent contractor. Unless reversed on subsequent appeal, the decision is final and effective for that worker or class of workers from that time forward.

